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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/761,314

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CANADA

EXAMINER

ORR, HENRY W

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/761,314	Applicant(s) MONDRY ET AL.	
	Examiner Henry Orr	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to applicant's amendment dated 12/26/2007.
2. Claims 1-20 are pending in the case.
3. Claims 1 and 11 are independent claims.

Applicant's Response

4. In Applicant's response dated 12/26/2007, applicant has amended the following:
 - a) Drawings
 - b) Claims 1-20

Based on Applicant's amendments and remarks, the following objections and rejections previously set forth in Office Action dated 6/22/2007 are withdrawn:

- a) Objection to Drawings
- b) Objection to claims 1-5, 8, 9, 11-15, 18 and 19
- c) 35 U.S.C. 112 2nd Rejection to claims 1-9 and 11-19

Claim Objections

5. **Claims 6, 7, 10, 16, 17 and 20 are objected to because of the following informalities:**

Claims 6 and 16:

Claims 6 and 16, recite the phrases "the final object" and "the fixed-size list of icons", which should be replaced with "the a final object" and "the ~~fixed-size~~ attached list of icons" to read more clearly.

Claims 6 and 16, recite the pronoun "it", which should be replaced with "~~it~~ said thumbnail" to properly set forth what is being referred to as "it" in the claim.

Claims 7 and 17:

Claims 7 and 17, recite the phrases "the mouse wheel" (first instance), "the first position"(first instance) and "the last position"(first instance), which should be replaced with "~~the~~ a mouse wheel", "~~the~~ a first position" and "~~the~~ a last position" to read more clearly.

Claims 10 and 20:

Claims 10 and 20 recite the phrase "the intent", which should be replaced with "~~the~~ an intent" to read more clearly.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 10 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 20:

Claims 10 and 20 recite the phrase **“the first item”**. There is insufficient antecedent basis for this limitation in the claim because it is unclear whether **“the first item”** is referring to previously recited **“a first object”** in the respective base claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1, 3-11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM TDB, “Visual for Multiple-Icon Drag Movement” (hereinafter “IBM Drag”), original publication September 1, 1994 in view of IBM TDB, “Adding and Removing Icons from a Multi-Icon” (hereinafter “IBM Multi-Icon”), original publication March 1, 1993.**

Claim 1:

IBM Drag anticipates **detecting the user action of dragging at least two objects from another application or a source of draggable objects in the current application over said display using said input device, said at least two objects forming a list of attached objects, and entering a dropping mode;** (see p. 417 1st par., Figure 1)

IBM Drag anticipates **while at least one of said at least two objects remains undropped, continuing to execute the following actions:**

a) displaying a visual representation of each of said objects proximal to a current position of said cursor, as a set of icons, (see p. 418 1st par., Figure 3)

IBM Drag fails to expressly teach the dropping steps as recited in independent claim 1.

However, IBM Multi-Icon anticipates **b) when the user's intention to drop an object is detected, executing the following actions:**

b1) processing the dropping of a first object in said list of attached objects into said surface at a position dictated by the position of said cursor,

b2) removing the representation of said dropped object from said set of icons and

b3) removing said dropped object from said list of attached objects;

c) performing steps b1), b2) and b3) for each object to be dropped, so that each of said at least two objects can be sequentially dropped at unique locations independently of other objects in said list of attached objects; and exiting said mode when said list of attached objects is empty (see p. 401 3rd par.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Multiple-Icon as taught by IBM Drag to include the dropping steps as taught by IBM Multi-Icon to provide the benefit of a new technique of removing icons to compliment existing direct manipulation techniques (see IBM Multi-Icon; p. 401 last par.)

Claim 3:

IBM Drag anticipates **wherein the set of icons are further arranged in a regular row extending from the right of the cursor position and sorted by selection order with the icon representing the next object to be dropped being at a left-most position of said row** (see p. 417, Figures 1 and 2).

Claim 4:

IBM Drag anticipates **wherein the set of icons are further arranged in a regular column extending down from the cursor position and sorted by selection order with the icon representing the next object to be dropped being located at a top-most position of said column** (see p. 417, Figures 1 and 2). Examiner interprets IBM Drag's Figure 1 to be capable of illustrating icons arranged in a column format along with the row format currently shown.

Claim 5:

IBM Drag anticipates **wherein the set of icons representing the dragged objects is further limited to a maximum predetermined number of objects remaining** (see p. 418 1st par., Figures 3 and 4).

Claim 6:

IBM Drag anticipates **wherein when the number of objects in the list of attached objects exceeds said maximum predetermined number of objects, the**

final object in the set of icons representing the dragged objects is further modified to indicate that additional objects remain to be dropped beyond those that are visible in the fixed-size list of icons, the method comprising one of: appending an icon indicating the presence of additional but unseen icons (see p. 418 1st par., Figures 3 and 4).

Claim 7:

IBM Drag anticipates rolling the mouse wheel in the opposite direction or pressing another key to send the object in the last position within the set of objects attached to the cursor to the first position and refreshing the displayed list of icons accordingly (See p. 417 last par., p. 418 1st par., Figures 2 and 3).

Claim 8:

IBM Drag anticipates wherein an object being dropped is an image, and wherein the icon representing said image is a reduced-resolution version of said image (see par. 417, Figure 1).

Claim 9:

IBM Drag fails to expressly teach additional objects being inserted into a list of the attached objects as recited in claim 9.

However, IBM Multi-Icon anticipates **wherein additional objects can be inserted into the list of attached objects, the method comprising moving the pointing device such that the cursor is positioned over a non-dragged object to be added to the list of attached objects, detecting the user's intention to insert said non-dragged object into the list of attached objects; and adding a representation of said added non-dragged object into the set of icons** (see p.401 3rd par.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Multiple-Icon as taught by IBM Drag to include the adding an icon to a multi-icon steps as taught by IBM Multi-Icon to provide the benefit of a new technique of adding icons to compliment existing direct manipulation techniques (see IBM Multi-Icon; p. 401 last par.).

Claim 10:

IBM Drag fails to expressly teach wherein objects can be removed from the set of icons and list of objects as recited in claim 10.

However, IBM Multi-Icon anticipates **wherein objects can be removed from the set of icons and list of objects by: signaling the intent to remove the first item; removing said first item from said set of icons; and removing said object from said list of attached objects** (see p. 401 2nd and 3rd par.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Multiple-Icon as taught by IBM Drag to include the removing an icon from a multi-icon steps as taught by IBM Multi-Icon to provide the benefit of a new technique of removing icons to compliment existing direct manipulation techniques (see IBM Multi-Icon; p. 401 last par.).

Claims 11 and 13-20:

Claims 11 and 13-20 include a program embodied on a computer readable medium to implement the steps that are substantially encompassed in method claims 1 and 3-10 respectively; therefore the claims are rejected under the same rationale as method claims 1 and 3-10 above.

10. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Drag in view of IBM Multi-Icon as cited above, in view of Magid et al. (hereinafter "Magid"), U.S. Patent No. 5,764,873 of record.

Claim 2:

Neither IBM Drag nor IBM Multi-Icon expressly teach a user aborting or temporarily leaving and re-entering the mode of dropping multiple objects as recited in claim 2.

However, Magid teaches escaping ("abort") and re-entering the mode of dropping multiple objects (see col. 7 lines 1-10). **(claim 2; i.e., wherein the user is additionally**

able to abort or temporarily leave and re-enter the mode of dropping multiple objects, said method comprising signaling an intent to temporarily exit the mode of dropping multiple objects;)

Magid teaches doing other intermediate steps (“work”) in the application (see col. 1 lines 56-58). **(claim 2; i.e., doing other work in the application)**

Magid teaches the ability to signal the intent to re-enter drag-and-drop mode to continue to interact with the drag-and-drop tool (see col. 6 lines 35-42). **(claim 2; i.e., signaling the intent to re-enter the mode of dropping multiple objects; resuming the operation of the dropping mode at step a).)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modes of dragging and dropping multiple objects as taught by IBM Drag in view of IBM Multi-Icon to include an escape (“abort”) and re-enter operation as taught by Magid to provide the benefit of performing intermediate steps between selecting and dropping multiple objects (see Magid col. 1 lines 55-58).

Claim 12:

Claim 12 includes a program embodied on a computer readable medium to implement the steps that are substantially encompassed in method claim 2; therefore the claim is rejected under the same rationale as method claim 2 above.

Response to Arguments

11. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308. The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

2/13/2008
HO

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